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 Co. ESOP Plan Committee; and CIG ESOP
 Plan Committee*
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Attorneys for Plaintiffs and the Proposed Class
 (Additional counsel on signature page)

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO AND OAKLAND DIVISION

THOMAS FERNANDEZ and LORA SMITH,
 individually and on behalf of a class of all other
 persons similarly situated,

Plaintiffs,

vs.

K-M INDUSTRIES HOLDING CO., INC.;
 K-M INDUSTRIES HOLDING CO., INC.
 ESOP PLAN COMMITTEE; WILLIAM E.
 AND DESIREE B. MOORE REVOCABLE
 TRUST; TRUSTEES OF THE WILLIAM E.
 AND DESIREE B. MOORE REVOCABLE
 TRUST; CIG ESOP PLAN COMMITTEE;
 NORTH STAR TRUST COMPANY;
 DESIREE B. MOORE REVOCABLE TRUST;
 WILLIAM E. MOORE MARITAL TRUST;
 WILLIAM E. MOORE GENERATION-
 SKIPPING TRUST; and DESIREE MOORE,
 BOTH IN HER INDIVIDUAL CAPACITY
 AND AS TRUSTEE OF THE WILLIAM E.
 AND DESIREE B. MOORE REVOCABLE
 TRUST'S SUCCESSOR TRUSTS NAMED
 ABOVE,

Defendants

Case No. C-06-07339 MJJ

**STIPULATION AND ~~[PROPOSED]~~
 ORDER TO MODIFY PRETRIAL
 ORDER**

STIPULATION AND [PROPOSED] ORDER TO MODIFY PRETRIAL ORDER
 [CASE No. C-06-07339 MJJ]

WHEREAS, the Court entered a Pretrial Order on March 21, 2007, setting forth the following deadlines and other dates in this litigation:

1. Further Status Conference: July 17, 2007.
2. Non-Expert Discovery Cutoff: August 31, 2007.
3. Hearing on motions on Class Certification and Statute of Limitations: October 9, 2007.
4. Designation of Experts: November 9, 2007.
5. Expert Reports Exchanged: November 16, 2007.
6. Designation of Supplemental Rebuttal Experts and Exchange of Rebuttal Reports: December 7, 2007.
7. Expert Discovery Cutoff: January 18, 2008.
8. Hearing on Dispositive Motions: March 11, 2008.
9. Pretrial Conference: April 29, 2008, 3:30 p.m.
10. Trial: May 12, 2008, 8:30 a.m.

WHEREAS, this schedule was predicated on Plaintiffs promptly serving discovery requests and Defendants promptly responding to those requests;

WHEREAS, Plaintiffs served discovery requests on Defendants on April 2, 2007, including Interrogatories, Requests for Admission, and Requests for Production of Documents;

WHEREAS, Defendants have responded in writing to Plaintiffs on all discovery requests but have not yet completed production of documents, specifically:

- a. Plaintiffs and the Moore Trust have agreed that an extension of the current schedule is warranted to enable the Moore Trust to efficiently and effectively respond to plaintiffs' pending discovery requests;
- b. Defendants K-M Industries Holding Co., Inc., K-M Industries Holding Co., Inc. ESOP Plan Committee, and CIG ESOP Plan Committee have not produced the bulk of their hard-copy production and have produced no electronic discovery;
- c. Defendant North Star Trust Company has produced documents in hard copy form but has not completed electronic production;

WHEREAS, Plaintiffs have diligently attempted to obtain complete productions from Defendants, and Defendants have diligently attempted to produce responsive documents but have

STIPULATION AND [PROPOSED] ORDER TO MODIFY PRETRIAL ORDER
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1 not been able to complete production;

2 WHEREAS, the parties agree that depositions of Defendants and other witnesses will be
3 more efficient and productive if Plaintiffs have had an opportunity to review all relevant
4 documents;

5 WHEREAS, the parties agree that the exchange of discovery has been slower than was
6 anticipated when the scheduling order was entered;

7 WHEREAS, the parties wish to avoid motions to compel production, which will be time-
8 consuming and expensive, but will be necessary if all parties are not relieved from the current
9 schedule;

10 WHEREAS, the litigation schedule overlaps with the December holidays, and so the
11 parties have adjusted certain dates to accommodate the celebration of the holidays by the parties
12 and the Court;

13 WHEREAS, therefore, the parties agree that the proposed schedule below will better
14 enable the resolution of this litigation on its merits;

15 Accordingly IT IS HEREBY AGREED AND STIPULATED by the parties through their
16 counsel of record, to extend the dates previously set forth in the Court's Pretrial Order as follows:

- | | | |
|----|---|---|
| 17 | 1. Further Status Conference: | July 17, 2007. AUGUST 28, 2007 |
| 18 | 2. Non-Expert Discovery Cutoff: | October 31, 2007. |
| 19 | 3. Motions on Class Certification and | |
| 20 | Statute of Limitations to be heard | |
| | no later than: | December 11, 2007. |
| 21 | 4. Designation of Experts: | February 15, 2008. |
| 22 | 5. Expert Reports Exchanged: | February 22, 2008. |
| 23 | 6. Designation of Supplemental Rebuttal | |
| 24 | Experts and Exchange of Rebuttal Reports: | March 14, 2008. |
| 25 | 7. Expert Discovery Cutoff: | April 25, 2008. |
| 26 | 8. Dispositive Motions | |
| | to be heard no later than: | June 24, 2008. |
| 27 | 9. Pretrial Conference: | August 12, 2008, 3:30 p.m. |

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10. Trial:

August 25, 2008, 8:30 a.m.

Dated: June 14, 2007

LEWIS, FEINBERG, LEE,
RENAKER & JACKSON, P.C.

By: /s/
Todd Jackson

LEWIS, FEINBERG, LEE,
RENAKER & JACKSON, P.C.

RUKIN HYLAND DORIA & TINDALL
LLP

*Attorneys for Plaintiffs
and the Proposed Class*

Dated: June 14, 2007

LOVITT & HANNAN, INC.

By: /s/
Henry Bornstein
*Attorneys for Defendant K-M Industries
Holding Co., Inc.; K-M Industries Holding
Co., Inc. ESOP Plan Committee; and CIG
ESOP Plan Committee*

Dated: June 14, 2007

HENNIGAN, BENNETT & DORMAN LLP

By: /s/
Robert L. Palmer
*Attorneys for Defendant William E. and
Desiree B. Moore Revocable Trust; Desiree
B. Moore Revocable Trust; William E.
Moore Marital Trust; William E. and
Desiree B. Moore Revocable Trust
Generation-Skipping Trust; and Desiree
Moore*

Dated: June 14, 2007

MORGAN, LEWIS & BOCKIUS LLP

By: /s/
Nicole Diller
*Attorneys for Defendant North Star Trust
Company*

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3 Good cause appearing, the Court orders that dates set forth on the Pretrial Order filed on
4 March 21, 2007, are vacated, and that the management of this litigation is now governed by the
5 dates set forth above.

6 IT IS SO ORDERED.

7 Dated: 6/18/2007

A handwritten signature in blue ink, reading "Martin J. Jenkins", is written over a horizontal line.

Hon. Martin J. Jenkins
United States District Judge